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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,183

Applicant(s)

BROTZ ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 16-22 is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant argues that the currently amended Independent claim 9 comprise similar limitations to those presented in the response to claim 1. For the same reasons, claim 9 is also allowable.

The Examiner respectfully disagrees. The claimed "tuning a tuner to a selected channel within said digital broadcast signal and receiving datacast information therefrom for a time period; identifying newly received hypertext documents from said received datacast information, updating said selected channel and initializing said time period at expiration of said time period; and repeating said tuning, identify, and updating" recited in claim 1 is not the same as the claimed "repeating said sequentially scanning said first tuner for a predetermined period of time for each scanned channel to identify newly received hypertext documents" recited in claim 9. As a result, the Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 – 11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (US 6,351,467) in view of Hidary et al (US 5,774,664) and Williams (US 5,701,161).

Regarding claim 9, Dillon discloses a system and method for displaying information in a digital television system (col 8 lines 22 – 25). Dillon discloses transmitting URL's of interest in channels to a user's receiver. It is noted that URL's comprise hypertext transfer protocol HTTP (see col 22 lines 30 – 38). Dillon further discloses receiving updated URL information (see col 11 lines 19 – 30) and performing URL lookup (see col 22 lines 55 – 61) and thus discloses the claimed 'monitoring datacast information decoded from a digital television broadcast signal to identify newly received hypertext documents'. Dillon still further discloses storing into a cache memory an newly received URL's (see col 22 lines 23 – 30), receiving from a viewer a identifier of a selected hypertext document (see col 21 line 66 – col 22 line 31), and providing offline browsing if detecting that the URL is located in the cache memory (see col 21 line 66 – col 22 line 31) on a display screen of the digital television system (see col 8 lines 22 – 26 and col 16 lines 1 – 8).

Although Dillon discloses filtering documents according to user preferences, Dillon fails to disclose maintaining an intelligent filter that records hypertext documents that were previously accessed by a viewer.

In analogous art, Hidary teaches system for receiving personalized URL's based on a user's history or behavior. It is noted that the system of Hidary inherently

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comprises filter to filter out preferred URL's from non-preferred URL's based on a recorded user's history or behavior. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dillon to include the claimed limitation to provide a user with URL's which a user most desires.

Although Dillon discloses a CATV system (which inherently comprises channels) and checking or searching channels for content (see col 22 lines 55 – 61), Dillon fails to disclose step b1) sequentially scanning a first tuner of said digital television system over channels of said digital television broadcast signal for a predetermined time period for each scanned channel and step b2) at each scanned channel, identifying newly received hypertext documents.

Williams teaches scanning a plurality of channels to retrieve desired data (col. 5 line 65 - col. 6 line 19). It would have been obvious to sequentially scan the plurality of channels as claimed to detect all URL's thereby providing a more comprehensive search and retrieval of all the URL's. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to sequentially scan the first tuner as claimed to detect and identify all URL's thereby providing a more comprehensive method and system for retrieving URL's.

The combination of Dillon, Hidary or Williams fails to teach repeating said sequentially scanning said first tuner for a predetermined period of time for each scanned channel to identify newly received hypertext documents.

Official Notice is taken it would have been well known in the art to repeatedly scan channels to ensure the information desired is received. Therefore, it would have

been obvious to further modify the combination of Dillon, Hidary and Williams to include the claimed limitation to ensure the hypertext documents are received and not missed.

Regarding claim 10, the combination of Dillon, Hidary and Williams fails to disclose the claimed limitation. Official notice is taken that the user of two tuners is notoriously well known in the television art for providing PIP capabilities or for providing a quicker means for tuning to another channel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Dillon, Hidary and Williams to include the claimed limitation to provide PIP capabilities for displaying the URL's or to provide faster detection and display of a URL by employing a two tuner system.

Regarding claim 11, Dillon discloses the URL's may be frequently updated (see col 11 lines 19-25) over the CATV network (see col 16 lines 5 – 7) and thus discloses the claimed 'datacast information comprises' a domain of hypertext documents that are periodically broadcast.

Regarding claim 13, Dillon discloses if the content is not located in the cache, a user can retrieve the content from the Internet (see col 23 line 37 – col 24 line 30) via dialup modem (see col 23 line 5 – 17).

Regarding claim 15, Dillon discloses wherein the identifiers are web page identifiers (URL's) and discloses the hypertext documents are URL's but the combination of Dillon, Hidary and Williams fails to disclose the claimed wherein the hypertext documents are web pages.

Official Notice is taken that pre-caching of web pages is well known to enable having web pages readily available. Therefore, it would have been obvious to one having ordinary skill in the art to modify the combination of Dillon and Hidary to cache web pages to enable having web pages readily available.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (US 6,351,467) in view of Hidary et al (US 5,774,664) and Williams (US 5,701,161) as applied to claim 9 above, and further in view of Broadwin (US 5,929,850).

Regarding claim 12, the combination of Dillon, Hidary and Williams fails to disclose the claimed provided the selected hypertext document is not located within the cached memory, obtaining the selected hypertext document upon its next occurrence.

Broadwin discloses the claimed provided the selected hypertext document is not located within cache memory, obtaining selected hypertext document upon its next occurrence (broadcasted via the still image channel) within datacast information and displaying selected hypertext document on display screen of digital television system (col. 11 line 58 - col. 12 line 13).

It would have been obvious modifying the combination of Dillon, Hidary and Williams to include the claimed limitation would have enabled automatically obtaining the URL during a subsequent broadcast thus providing the user with desired URL. Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the combination of Dillon and Hidary to include the claimed limitation to automatically provide a user with the selected URL.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon (US 6,351,467) in view of Hidary et al (US 5,774,664) and Williams (US 5,701,161) as applied to claim 9 above, and further in view of Burns et al (US 5,991,306).

Regarding claim 14, the combination of Dillon and Hidary fails to disclose receiving and recording identifiers of hypertext documents accessed by said viewer, recording a count associated with each identifier received by step a1), said count indicating the number of times each recorded hypertext document was accessed by said viewer, ranking identifiers of said intelligent filter based on their associated counts and removing from intelligent filter any recorded identifier of a hypertext documents that has not been accessed by said viewer for a predetermined amount of time.

In analogous art, Burns teaches a system which pre-caches frequently requested web-pages to reduce latency by having the web-pages readily available (see col 10 lines 11 – 15). Burns further teaches a hit record which records hits for a particular web-page to provide a means for determining the popularity of a web-page based on a user's behavior patterns (see col 8 lines 41 – 60). Burns still further teaches that the subscriber's patterns or out-of-date rules can be used to delete content from a cache noting the storage capacity limitations associated with cache memory (see col 10 lines 48 – 58 and col 11 lines 15 – 32). It is noted that by associating the number of hits

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(counting of hits) with content provides for the prioritization and thus ranking of what content is frequently requested from that which is not frequently requested.

It would have been obvious modifying the combination of Dillon and Hidary to include steps a1) – a4) would have provided ranking of URL's in the cache memory to separate frequently requested URL's from non-frequently requested URL's resulting in the reduction in storage capacity limitations in the cache by allocating more space to more popular more frequently requested URL's. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Dillon and Hidary to include the claimed limitations to reduce storage capacity limitations in the cache.

Allowable Subject Matter

Claims 1 – 7 and 16 – 22 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wright et al (US 6,442,598) – Delivering web content over a broadcast medium

Rosin et al (US 6,397,387) – Client and server system

Peterson et al (US 6,594,682) – Scheduling delivery of web content

Portuesi (US 5,774,666) – Displaying uniform network resource locators

Leak et al (US 6,182,072) – Generating a tour of WWW sites


Burner et al (US 6,282,548) – Displaying supplemental content with web page

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs 8/10/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER